

Application for Variance

The purpose of this document is to explain the details associated with the current status of the property located in 10230 111TH AVE NE, Kirkland WA 98033.

120.20 Criteria for Granting a Variance SHARE

The City may grant a variance only if it finds that:

1. The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole; and

[CHOI] Throughout the construction and up until now, we have never encountered issues related to safety or issues related to materials being detrimental to the property or to the city in part.

2. The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed; and

[CHOI] Please review this document (Page 2 ~ 11) thoroughly as we have included all the facts and information associated with the elevation surveys conducted, property height and main factors that contributed to building exceeding maximum elevation height.

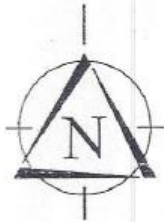
3. The variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this code allows to other property in the same area and zone as the subject property.

[CHOI] I believe that through this document, we were able to show that there were errors (honest mistakes) made during the planning stage and that the property was never intentionally built to be higher than the maximum height allowed by the City. While we are requesting for variance, we do not believe this variance will constitute a grant of special privilege to the subject property or other properties in the same area/zone as the circumstances of the CHOI residence is truly unique.

Please take a close look at the below document which is the 1st elevation survey that was conducted.

10230-111TH AVE NE, KIRKLAND, WA
AVERAGE BUILDING ELEVATION

TRIAD JOB # 14-047
APRIL 4, 2014



BENCH MARK

ORIGINAL BENCHMARK - CITY OF KIRKLAND SURVEY CONTROL
POINT #148: CHISELED "X" IN SOUTH RIM OF METRO SEWER
MANHOLE
ELEV.=179.19

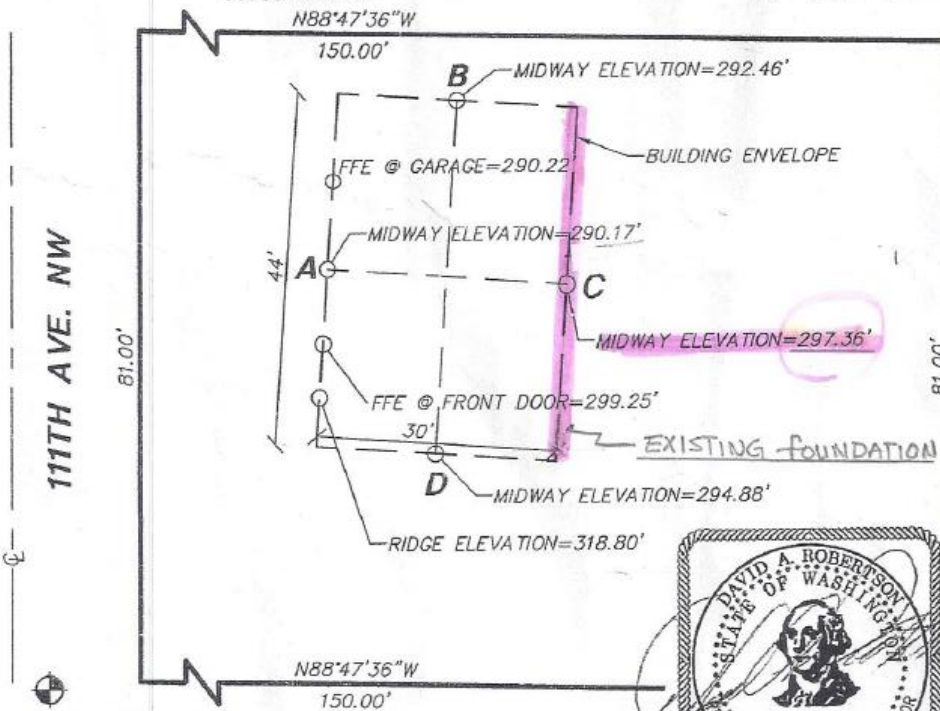
TBM "A"-PUNCHED "X" IN NORTH RIM OF SANITARY SEWER
MANHOLE +/-20 WEST OF SOUTHWEST PROPERTY CORNER
THE CENTERLINE OF 111TH AVE NW.
ELEV.=278.06

COPY

SCALE: 1" = 20'

AVERAGE BUILDING ELEVATION EQUATION

$$\frac{(290.2 \times 44) + (292.5 \times 30) + (297.4 \times 44) + (294.9 \times 30)}{44 + 30 + 44 + 30} = 43,476.4 \div 148 = 293.76 \text{ ABE}$$



TBM "A"-ELEV.=278.06

REFERENCE

BOUNDARY REFERENCE-ARCH/TEC
INTERNATIONAL SHEET A1
DEMOLITION PLAN



12112 115th Avenue N.E. Kirkland, Washington 98034-6929
425.821.8448 - 800.488.0756 - Fax 425.821.3481
www.triadassociates.net

14047.dwg

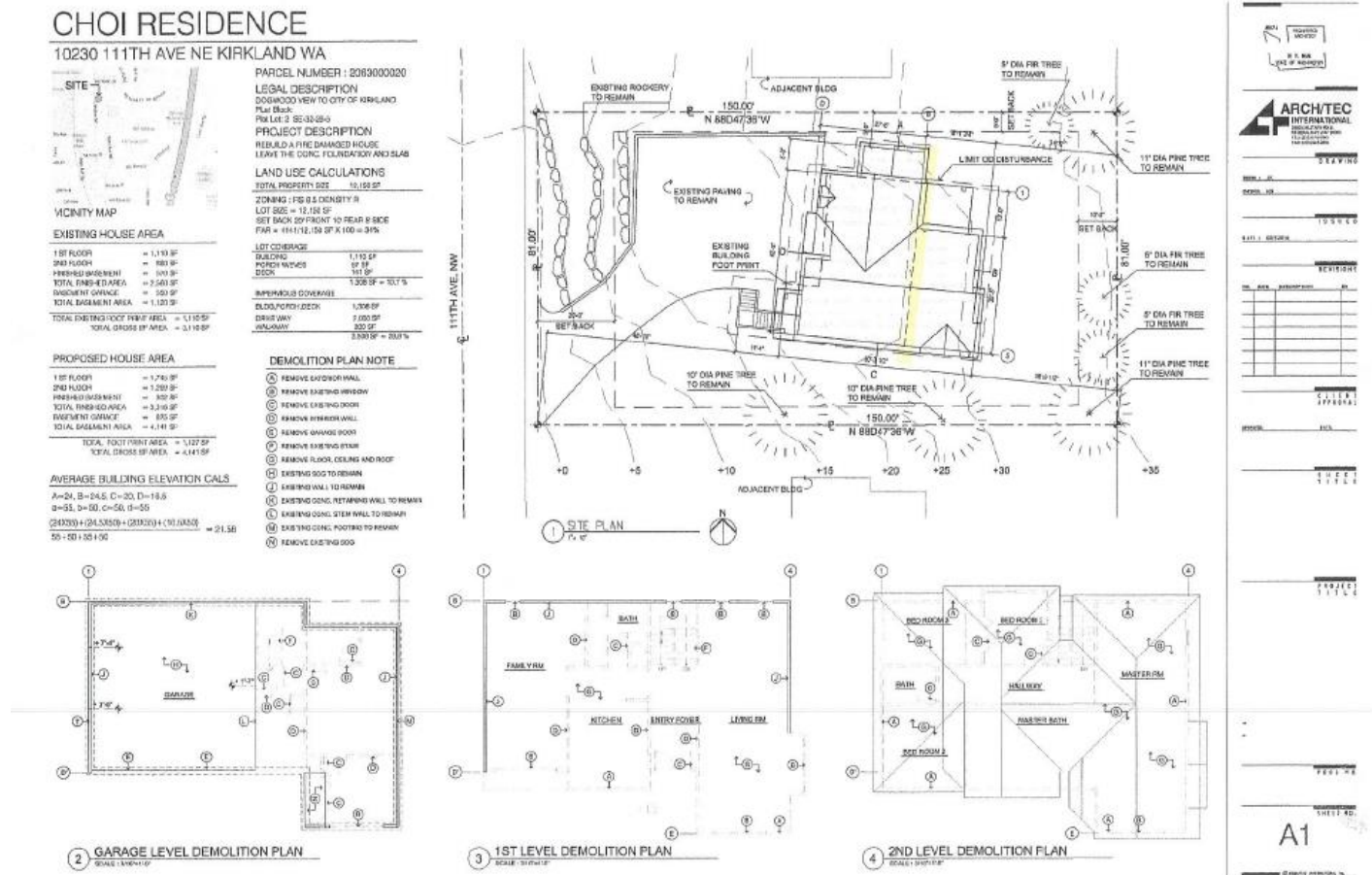
Land Development Consultants

REVISION
APR 10 2014
PERMIT
BSF14-00742

The above document is to show that during the planning stage of the CHOI project, the 1st elevation survey was conducted on **EXISTING** foundation. Based on the existing foundation the average building elevation was calculated as 293.76 ft ABE.

It is important to note the following:

1. The property was built with "major remodel" initiative as we wanted to use the existing foundation to save the cost associated with CHOI residence major remodeling project.
2. From the above image, the pink highlighted line shows that elevation of the Ground level on the east side of the property is calculated as 297.36 ft (approximately 4ft higher than the average elevation ABE). This will prove to be key information towards the end of the document.
3. From reviewing below image, you will be able to see the foundation addition towards the east side from the yellow highlighted line.



Now, because the original elevation survey yielded an Average Elevation of 293.76 ft ABE, the City of Kirkland provided the below document for the contractor to reference to.

Important items to highlight in this document are as follows:

1. Average Building Elevation (ABE) is 293.76 ft
2. Maximum height of the structure allowed is 25 ft
3. Elevation of highest point is 318.76 ft
4. It is interesting to note that Under "Staff use only" section, City of Kirkland personnel circled "No" in the section where it states "Building Height Field verification is required".

COPY

Original in the Inspector's packet

BUILDING HEIGHT TABLE

(Applicant Must Complete)

MAXIMUM HEIGHT OF STRUCTURE ALLOWED <small>see KZC 5.10.357 and applicable Use Zone Chart</small>	BENCHMARK LOCATION AND DESCRIPTION <small>(be specific)</small>	BENCHMARK ELEVATION	FINISHED FIRST FLOOR ELEVATION	HEIGHT DIFFERENCE BETWEEN BENCHMARK AND FINISHED FIRST FLOOR ELEVATIONS	AVERAGE BUILDING ELEVATION (ABE) <small>see KZC 115.59</small>	ELEVATION OF HIGHEST POINT OF ANY ELEMENT OR FEATURE <small>see KZC 115.60 for exceptions</small>
25'	LOK survey Control # 148. Circled 'X' in South rim of metro sewer man-hole	179.19	294.76	115.57	293.76	318.76

Staff Use Only:

Building Height Field Verification is required: Yes or No (circle one)

If yes,
Building Height Field Verification by Licensed Surveyor (if within 1" of height limit): Yes or No (circle one)

3-24-08

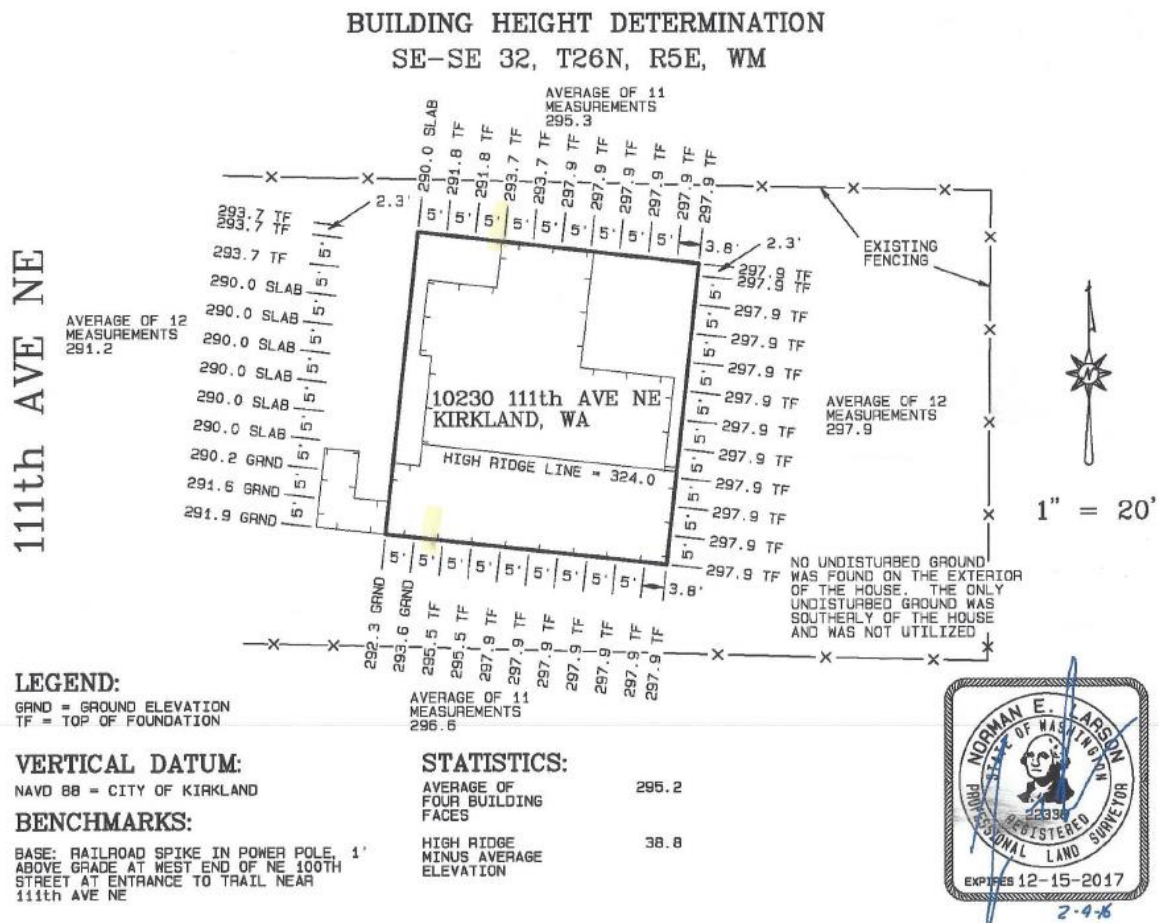
APPLICATION CHECKLIST FOR NEW SINGLE-FAMILY/TWO UNIT HOME BUILDING PERMIT
(NEW CONSTRUCTION) OR ACCESSORY SINGLE FAMILY STRUCTURE

H:\Fire\Building\Building-published\2013NSF_2unit_app-chlst6-11.docx/12-15-15

After this point, the construction proceeded and when we were nearing final inspection stage, we were asked to provide the Elevation survey of the CHOI residence.

Please refer to below document which was the 2nd Elevation survey we conducted after the property construction was completed.

It shows that the highest ridge line of the property was found to be 324.0 ft.



At this stage, City of Kirkland and CHOI party were both extremely confused as we both didn't understand how the property could be built be more than 5 feet higher than allowed by the City. This is where City of Kirkland (Ms. Allison Zike & Mr. Darrell Harmon) and the CHOI homeowner and contractor spent lots of time going back and forth to review what had happened during the property development. The next steps agreed by both parties were as follows:

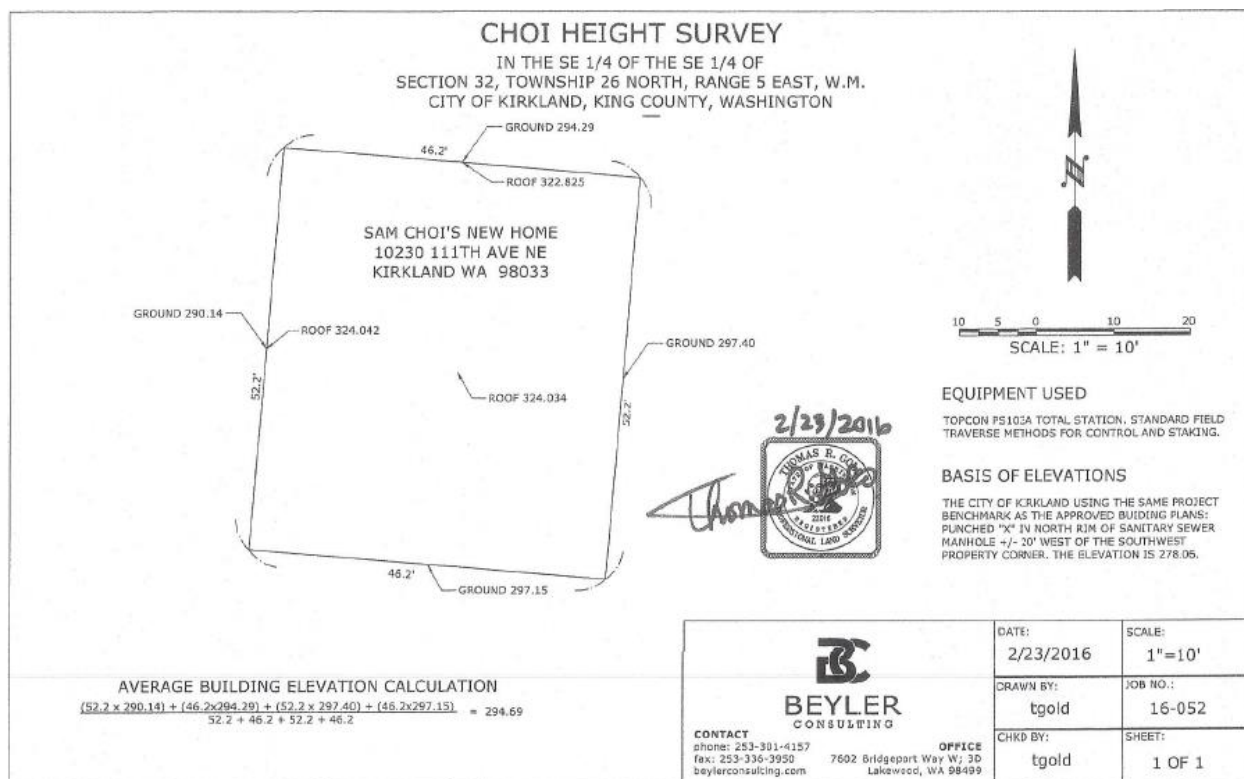
1. To conduct 3rd elevation survey.
2. 1st elevation survey was not the most accurate.

The wall segment lengths used should have been based on the proposed footprint, but the labeled dimensions on that document match the original footprint.

3. The 2nd survey conducted by Norman Larson on 2/4/2016 represents a detailed view of the elevation however this still failed to show the data that City of Kirkland was requesting.
4. Because neither elevation surveys seem to reflect true representation of the elevation associated with the property, City made the request to conduct 3rd survey with guideline specified by Ms. Zike.

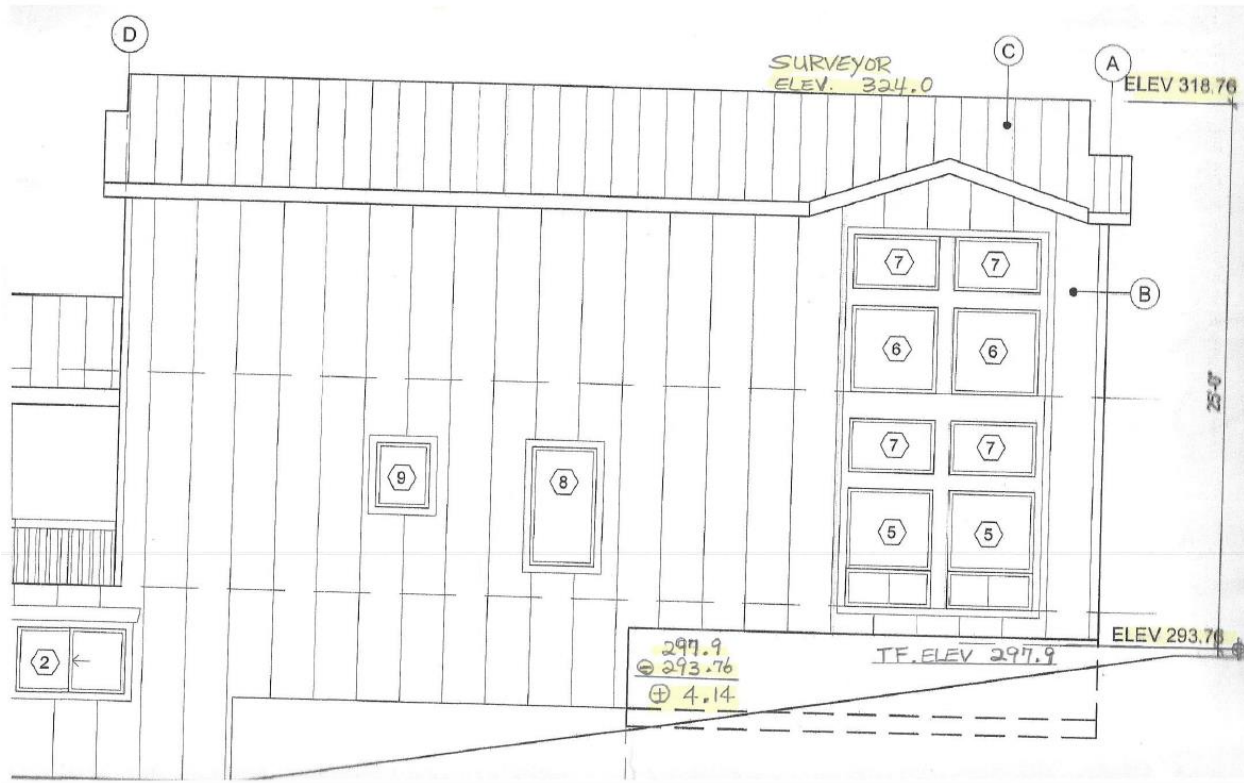
The result of the 3rd elevation survey that was conducted on 2/23/16 is as follows:
(Please see below image)

1. The average building elevation was concluded as 294.69 ft.
This is 0.93ft higher than the 1st elevation survey average.
2. The east side of the ground was concluded as 297.40 ft.
This is consistent with the 1st survey (297.36ft GRND) and somewhat consistent with 2nd survey (297.9ft TF).
3. The roof ridgeline was concluded as 324.04 ft (consistent with 2nd survey)



With the conclusion that top roof ridge line being 324.04ft and the average elevation being 294.69ft, this meant that the structure was 29.35 ft in height, 4.35ft higher than maximum allowed. At this stage, we knew the issue wasn't related to average elevation anymore and this is when my contractor and I decided to review all the data from the beginning of the project as we were confident that there was NO WAY that we would have built a property that was 4.35ft higher than allowed.

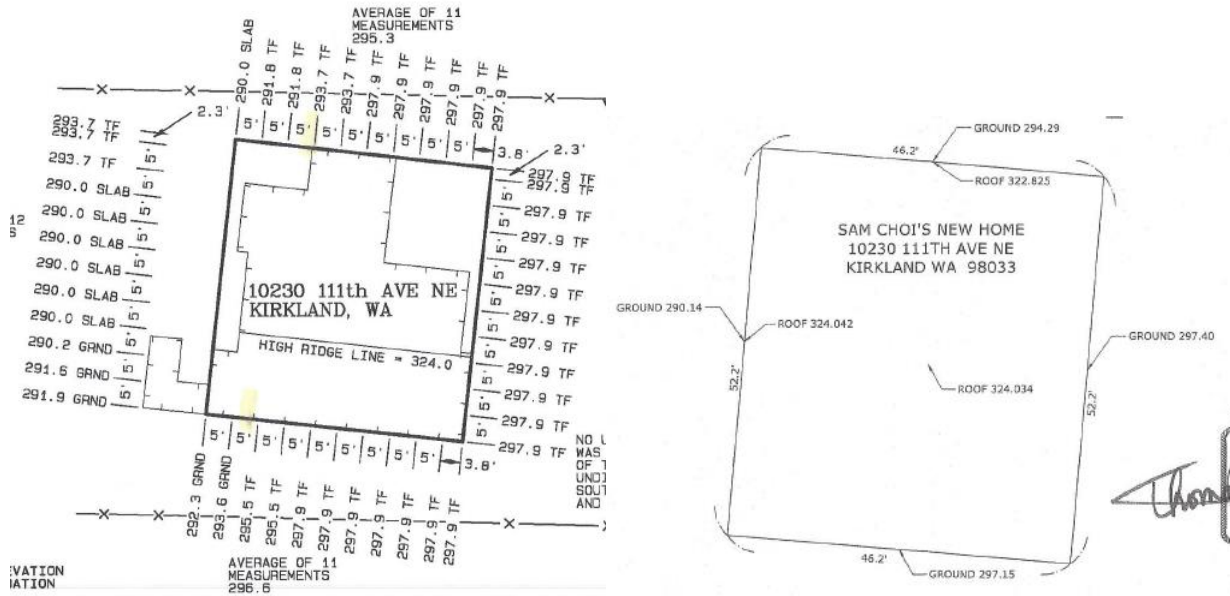
Fortunately, my contactor and I were able to come up with critical data that starts to explain the 4.35ft gap. Let's take a look at the planning drawing (shown below) that my architect prepared during planning stage which was approved/permitted by City of Kirkland planning department



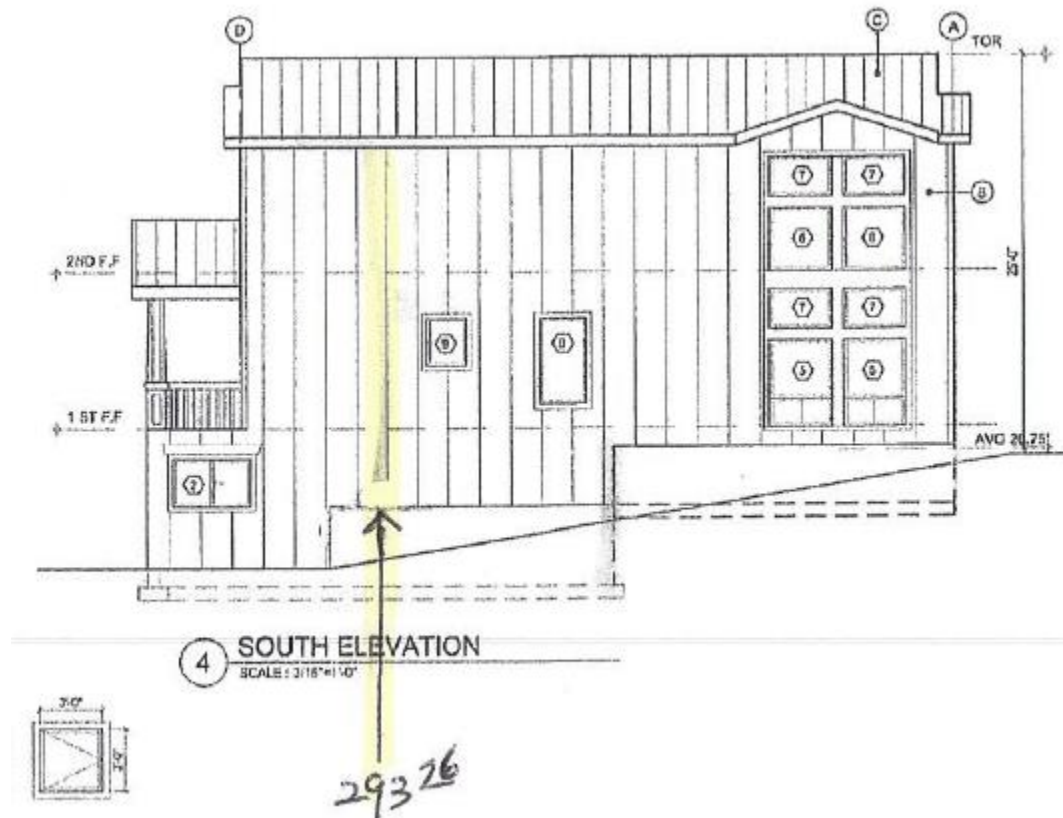
On the right side of the diagram (where the east and south end of the property meet), it shows the elevation as 293.76ft and when you add 25ft of max. height, you reach the 318.76ft shown on the top right hand corner.

However 293.76ft shown on the diagram is incorrect. We are able to see that the corner where East and South end meet is not 293.76ft but 297.9ft TF (from 2nd elevation survey) or 297.40ft GRND (from 3rd elevation survey). Therefore 293.76ft stated on the drawing is 4.14ft lower than what the elevation is supposed to be and the drawing should have reflected 297.90ft TF.

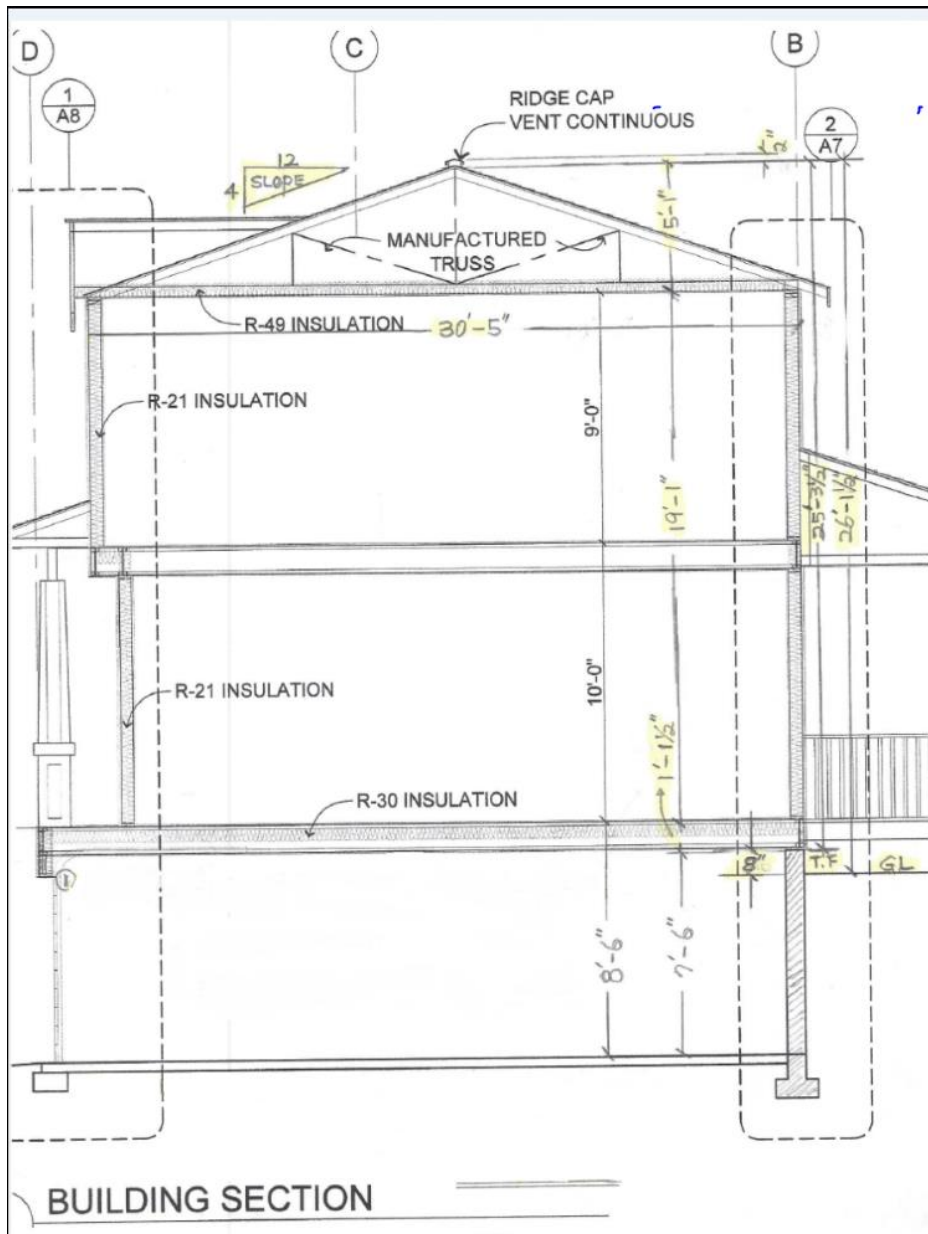
I am referencing the elevation surveys once again to highlight the importance of this corner.



So then, where exactly is 293.76ft~294.69ft elevation level? We believe 293.76ft ~ 294.69ft elevation level is extremely close to where you see the yellow highlight in the below image. Had my architect and City of Kirkland catch this error during planning stage, we would not have built a property that has a 1st floor of 8 ft in height and 2nd floor of 7 ft in height and would have re-designed the property.



Let's now review the vertical view of the planning diagram which helps us understand the height of the structure.



Important items to consider in this diagram are as follows:

1. From the ground level of the garage to the top of the garage door was measured at exactly 7 feet.
2. From the ground level of the garage (on the rear side of the garage) to the top of the ceiling was measured at 7 feet 6 inches.
3. R-30 insulation between the garage and 1st floor is 1ft and 1.5inches.
4. The elevation delta between the Top of Foundation (TF) and Ground is approximately 8 inches.
5. From the 1st floor to 2nd floor is 10ft

6. From 2nd floor to bottom of the truss is 9ft.
7. The truss height is 5ft 1inch and the ridge cap is additional 2 inches.
8. Let's add all the variables here.
 From the top of the foundation as the reference point
 13.5 inches [insulation/flooring] + 120 inches [1st floor] + 108 inches [2nd floor] + 61 inches [truss]
 + 2 inches [ridge cap] results in 304.5 inches or 25.38ft.
9. This validates that the height of the property is closer to 25ft, not 4.35ft higher than originally anticipated from the elevation surveys.

Let's summarize all the key info here:

1. In complying with City of Kirkland's request, we've conducted multiple elevation surveys to come up with the most accurate elevation information associated with this property. Key items are:
 - A. Using 1st elevation survey with existing foundation, the average elevation is 293.76ft
 - B. Max allowed height was determined as 318.76ft
 - C. 3rd survey (conducted with proposed foundation) resulted in new average elevation of 294.69ft.
 - D. Using this new value, the max height allowed should have been 319.69ft.
2. From the 3rd survey, the ridge roof line (with the ridge cap for ventilation purpose) came up to be 324.04ft. This is 4.35ft higher than max height allowed of 319.69ft.
3. However, the discrepancy in the planning drawing (explained on Page 7-8) shows that there was an error of 4.14ft which roughly explains why the property was built approximately 4.35ft higher than allowed.
4. It seems no one (both our architect Mr. Ki Nam and/or City of Kirkland) was able to identify this mistake. Had anyone noticed this error in planning, we would have considered:
 - A. Redesign of the property as no customer would have wanted a 1st floor of 8ft and 2nd floor of 7ft
 - B. Consider implementing a flat style roof to reduce the overall height by approximately 5 ft.
5. Before the permit was granted, this error (shown on Page 8) should have been corrected in order to avoid such situations.
6. The calculation on Page 9 and 10 shows that the building height is 25.38ft from the TF reference point. This is 0.38ft higher than the proposed maximum height of 25ft however we believe that this delta should fall within the margin of error.

Additional Variance Criteria

1. The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole; and

City Notes: What is the relation between the subject property and neighbors? Is the subject property screened from neighbors by any existing topography and/or vegetation? What is the grade difference between the subject property and its adjacent neighbors to the north, east and south? How will the increased height affect the neighboring properties in terms of views, shadowing, etc.? Are these neighbors supportive of the proposed variance? Is the subject home setback from any property lines more than the minimum requirement?

As you can see from planning documents, the 10230 111TH AVE NE Kirkland property is located on an elevated lot. To prove that subject property is not materially detrimental, I have captured some pictures to show that the 4.35ft of height is not relevant to the neighbors.

Pic.1 Taken from subject property on 2nd floor bathroom facing north.

The north neighbor house (10302 111th AVE NE) is seen from the picture. As you can see, there should be no reason why the 4.35ft of additional height should be detrimental to this property. The 10302 property sits much lower than the subject property right at street level.



Pic 2. Taken from the subject property balcony on the 2nd floor. The camera is facing north-west.



Pic 3. Taken from south neighbor (10226 111TH AVE NE) 1st floor deck facing north at the subject property. Again, the subject's roof is not materially detrimental to any views. Even if the subject property lowered the structure by 4.35ft (by implementing flat styled roof), the view from this location would most likely remain unchanged. The only way to make dramatic changes to the view from this location would be to lower the structure by at least 10 feet which would provide skyline view.



Pic 4. Taken from south neighbor (10226 111TH AVE NE) 1st floor deck facing north-west



Pic 5. Taken from south neighbor (10226 111TH AVE NE) 1st floor deck facing east



Pic 6. Taken from 111th AVE NE street facing the subject property.

This also validates that the roof is not causing detriments to any view from neighbors on the west.

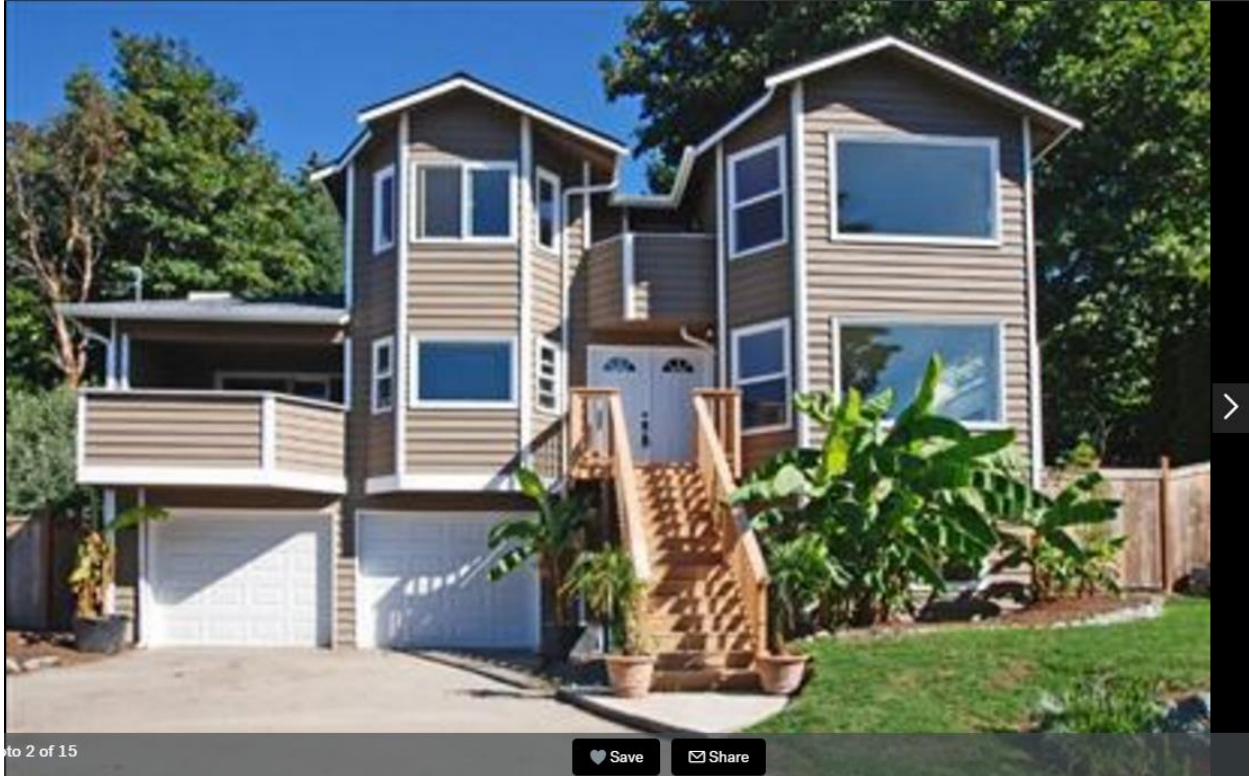


PS: Please note that the pictures taken are from the owner of the subject property's smartphone camera. The pictures were taken in order to provide the City with views of different angles and have NOT been altered/manipulated in any ways.

OLD structure vs NEW structure

Please take a look at the image of the old structure that was built on 1986.

It's important to note the height of the property against the neighboring fence that you see on the right.



Let's take a look at the new structure and once again, let's reference the fence on the right hand side of the picture.



While this is not the most scientific way to compare the height of the 2 properties, it seems from the picture that the height of the OLD and NEW structure is similar for following reasons:

- A. Garage level is maintained as the lower level
- B. The new structure maintains the similar height of the 1st and 2nd floor
- C. The roof designs on the OLD and NEW both have similar styling (slanted design).

I have requested Kirkland Public records to provide me with a copy of the permit that was granted in 1986 for the old structure. After reviewing the permit thoroughly, unfortunately I was unable to find any records that indicate the top ridge height for the old structure. Therefore I wanted to use the pictures to show that OLD and NEW structure height shows similarity in the height of the structure.

One interesting note that I did find from the old permit document is that the HEIGHT LIMIT is clearly stated as 25 feet. Now, I (SEUNG IL) used live in the old structure and I am certain that the 1st level floor elevation was extremely similar to the 1st level floor of my current property. The reason why I am certain of this is because the elevation of the backyard in relation to my OLD and NEW structure is very similar. With this said, the OLD structure was also built with 1st floor and 2nd floor with slanted roof style therefore it is a realistic possibility that the OLD structure could have maximized the height limit of 25" from the 1st floor level. It is truly unfortunate that the old permit document does not contain information of the top ridge height elevation.

CITY OF KIRKLAND		BUILDING PERMIT		BUILDING DEPT 828-1138	
PERMIT NO. <u>850418</u>		OWNER'S NAME <u>Doug & Judith Bartholomew</u>		JOB ADDRESS <u>10230 111th Ave NE</u>	
CONTRACTOR <u>Woodcraft Homes Inc</u>		ADDRESS <u>23106 100th Ave W Edmonds</u>		OWNER'S PHONE <u>775-1591</u>	
CONT. REG. NO. <u>WOODCHI18608</u>		OWNER'S PHONE <u>771-5221</u>		OWNER'S ADDRESS <u>1010 Main St.</u>	
TYPE CONST.: NEW RESIDENCE <input checked="" type="checkbox"/> ADDITION <input type="checkbox"/>		NEW INDUSTRIAL <input type="checkbox"/>		NEW COMMERCIAL <input type="checkbox"/>	
NEW MULTI-FAMILY (UNITS) <input type="checkbox"/>		ROOF <input type="checkbox"/>		OTHER <input type="checkbox"/>	
TAX ACCOUNT NO. <u>Kirkland.</u>		LEGAL DESCRIPTION <u>Lot 2, Dogwood View Addition to the City of</u>			
ISSUED BY <u>A. R. Bards</u>		DATE OF ISSUE <u>8/17/85</u>		DATE OF APPLICATION <u>8/17/85</u>	
ZONE <u>R-5</u>		OCCUPANCY <u>RES</u>		TYPE OF CONSTRUCTION <u>NEW</u>	
SET BACKS: FRONT <u>20'</u> SIDE <u>5/15'</u> REAR <u>10'</u>		STORIES <u>3</u>		HEIGHT LIMIT <u>25'</u>	
BLDG. SQ. FT. <u>3090</u>		VALUATION <u>78,046.50</u>			
PLUMBING		MECH. APPL.		MECH. APPL.	
WATER CLOSETS <u>3</u>		GAS PIPING (FEET) <u>2.00</u>		BOILER <u> </u>	
BATHTUBS <u>1</u>		COMPRESSOR <u> </u>		TANK(S) <u> </u>	
SHOWERS <u>1</u>		FORCED AIR FURNACE <u>6.00</u>		AIR HANDLING UNIT <u> </u>	
LAVATORIES <u>4</u>		GAS HOT WATER HEAT. <u> </u>		OTHER <u> </u>	
SINKS <u>1</u>		CONVERSION BURNER <u> </u>		TOTAL MECHANICAL <u>8.00</u>	
DISHWASHERS <u>1</u>		UNIT HEATER <u> </u>			
ELC. HOT WATER HEAT. <u> </u>		GAS PIPING O.K. <u> </u>		WATER LINE O.K. <u> </u>	
LAUNDRY DRAINS <u>1</u>		REMARKS:			
URINALS <u> </u>		<p>Must meet conditions recommended by soils report dated August 5, 1985 by Shanon & Wilson Inc. Pages 3-6. Provide adequate drainage protection for adjacent properties. Roof drains must be connected to the storm drain system. That portion of driveway within City Right-of-Way shall be asphalt. Pressure reducing valve required on domestic water line. Any public improvements damaged during construction shall be replaced prior to final building inspection. Concomitant agreement on file may be called any time within 15 years.</p>			
DRINK. FOUNTAINS <u> </u>					
MISC. <u> </u>					
TOTAL FIXTURES <u>13 1/2</u>					
PERMIT FEE <u>370.00</u>					
PLAN CHECK FEE <u>240.50</u>					
PLUMBING FEE <u>30.00</u>					
MECHANICAL FEE <u>8.00</u>					
OTHER FEE(S) <u>*15.50</u>					
TOTAL BLDG. FEES <u>657.50</u>					
PART. P/C REC. <u>(101.30)</u>					
SEPA REVIEW <u> </u>					
WATER SERVICE <u>259.00</u>					
WATER MAIN CHRG. <u>838.00</u>					
AMOUNT DUE <u>1,669.70</u>					
ALL PERMITS EXPIRE 180 DAYS AFTER ISSUANCE IF NO WORK IS STARTED. RESIDENTIAL PERMITS EXPIRE ONE YEAR AFTER DATE OF ISSUANCE.					
I CERTIFY THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THE APPLICABLE CITY OF KIRKLAND REQUIREMENTS WILL BE MET:					
OWNER OR AGENT <u>M. B. Himmels</u>		DATE <u>8-15-85</u>			
				BUILDING INSPECTIONS	
				SET BACKS AND FOOTINGS	
				DATE <u> </u> BY <u> </u>	
				O.K. TO POUR FOUNDATION WALLS	
				DATE <u> </u> BY <u> </u>	
				PLUMBING GROUNDWORK	
				DATE <u> </u> BY <u> </u>	
				PLUMBING ROUGH IN	
				DATE <u> </u> BY <u> </u>	
				MECHANICAL INSPECTION	
				DATE <u> </u> BY <u> </u>	
				O.K. TO ENCLOSE FRAMING	
				DATE <u> </u> BY <u> </u>	
				WALL BOARD AND FIRE WALL	
				DATE <u> </u> BY <u> </u>	
				FINAL O.K. TO OCCUPY	
				DATE <u> </u> BY <u> </u>	

Closing statement

I have been working very closely with Ms. Allison Zike from City of Kirkland to resolve this matter in the most efficient manner possible. Hopefully the City was able to recognize that we have fully complied with the City's request to investigate this issue and have complied by conducting multiple surveys to find the most accurate information.

While we feel fortunate that we have identified a root cause, it is unfortunate that no one was able to pin-point the mistake that was made during planning stage. We believe that this was truly an honest mistake.

At this stage, all my savings and stocks have been liquidated to complete the construction and I am in a situation where I cannot afford to make revisions to the property to meet the 319.69ft requirement for monetary (not much savings left after liquidating all my assets) and emotional reasons (I had to rebuild this property as a result of major fire damage in Aug 2013 and went through a lot of emotional rides).

From what I understand, there has not been any neighbor complaint on my property and while I understand that this irrelevant in your decision making, I hope this is also contributing favorably in City's decision making. Once again, I would like to emphasize that:

1. We have spent a lot of money and time/effort to comply with City's request and to obtain the most accurate information related to elevation surveys.
2. We have tried our best to create a document that portrays all of the events that took place and pin-point where we believe the errors were made (although honest mistake).
3. Hopefully, my contractor and I have supplied enough information for City of Kirkland to carefully review this variance application.
4. Additional Variance Criteria
 - A. The subject property is not causing detriments from neighbor's view
 - B. OLD structure (built in 1986) and the new structure (built in 2015) shows similarity in house design and elevation structure
 - C. Permit (granted in 1985) also states the max height limitation as 25".
1st floor elevation of old and new structures are very similar (if not the same) and both structures show similarity in house design and elevation structure.

I am desperately looking forward to a decision that allows the property to remain as-it-is. If you have any questions, please feel free to contact me via email (samchoi1@gmail.com) or via phone (425 749 1322) and I will do my best to respond in a timely manner.

Sincerely
Sam Choi.